



# **PLANNING COMMISSION AGENDA REPORT**

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VII. a

MEETING DATE: APRIL 27, 2009

ITEM NUMBER:

SUBJECT: ZONING APPLICATION ZA-09-12  
IN 'N OUT BURGER  
3211 HARBOR BOULEVARD

DATE: APRIL 16, 2009

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, AICP  
PRINCIPAL PLANNER  
714.754.5153

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## **PROJECT DESCRIPTION**

Planning Commission Chair Jim Righeimer requests review of ZA-09-12, a minor conditional use permit for a new In 'n Out Burger.

## **APPLICANT**

John Puente of In 'n Out Burger is representing the property owner, June O'Connor.

## **PROJECT CONSULTANT**

Architect:

Greenberg Farrow  
1920 Main Street  
Suite 1150  
Irvine, CA 92614

Engineer:

MSL Engineering  
402 West Arrow Hwy.  
Suite 4  
San Dimas, CA 91773

Traffic Consultant:

Overland Traffic Consultants, Inc.  
27201 Tourney Road #206  
Santa Clarita, CA 91355

## **RECOMMENDATION**

Uphold the Zoning Administrator's approval of the project.

  
WILLA BOUWENS-KILLEEN, AICP  
Principal Planner

  
KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## **BACKGROUND**

On April 9, 2009, the Zoning Administrator approved ZA-09-12, consisting of a minor conditional use permit to construct an approximately 3,200 sq.ft. drive-through restaurant with outdoor seating. As part of the application, the applicant received approval for the outdoor seating to be within 10 feet of the drive-through lane; an administrative adjustment to allow a 17-foot deep planter along Gisler Avenue (20 feet required); and a minor modification to reduce the southeast corner of the front landscaped setback along Harbor Boulevard to 16 feet versus the 20 feet required by Code. With the exception of these requests, the project complies with all applicable standards for development in the C1 zone.

A full description and discussion of the project is contained within the Zoning Administrator's approval letter (Attachment 3). Attachment 4 contains three letters received commenting on the project.

## **GENERAL PLAN CONSISTENCY**

The proposed project, as a commercial use, is compatible with the General Commercial General Plan designation of the property. Additionally, it complies with the Floor Area Ratio (FAR) standards of the General Plan (maximum .20 FAR permitted; .06 proposed).

## **ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. *Uphold the Zoning Administrator's approval of the project.* This would allow the project to proceed.
2. *Reverse the Zoning Administrator's approval of the project.* The project could not be constructed and a similar request could not be submitted for six months.
3. *Modify the Zoning Administrator's approval of the project.* The project could be constructed but as modified by Commission.

## **CONCLUSION**

The Zoning Administrator found the project to be compatible with the neighborhood and a complementary use for the adjacent motel. Upholding the project will allow the property to be improved to current standards including the provision of landscaping.

- Attachments:
1. Draft Planning Commission Resolution
  2. Request for review
  3. Zoning Administrator's letter of April 9, 2009
  4. Comment letters
  5. Location Map
  6. Photos
  7. Plans

cc: Deputy City Manager - Dev. Svs.  
Senior Deputy City Attorney  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

John Puente  
13502 Hamburger Lane  
Baldwin Park, CA 91706

June O'Connor  
P.O. Box 1942  
Newport Beach, CA 92649

File: 042709ZA0912Review	Date: 041909	Time: 11:40 a.m.
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**RESOLUTION NO. PC-09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING ZONING  
APPLICATION ZA-09-12**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by John Puente authorized agent for property owner June O'Connor, with respect to the real property located at 3211 Harbor Boulevard, requesting a minor conditional use permit for an approximately 3,200 sq.ft. drive-through restaurant with outdoor seating; an administrative adjustment to allow a 17-foot deep landscaped setback along Gisler Avenue; and a 16-foot deep landscaped setback along a portion of Harbor Boulevard in the C1 zone; and

WHEREAS, Planning Commission Chair James Righeimer requested a review of ZA-09-12 on April 13, 2009; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 27, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby upholds the Zoning Administrator's approval and **APPROVES** Zoning Application ZA-09-12 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Zoning Application ZA-09-12 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 27<sup>TH</sup> day of April, 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA   )  
  )ss  
COUNTY OF ORANGE    )

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 27, 2009, by the following votes:

AYES:           COMMISSIONERS

NOES:           COMMISSIONERS

ABSENT:        COMMISSIONERS

ABSTAIN:       COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"**

**FINDINGS (If approved)**

- A. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed drive-through restaurant with outdoor seating is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, with the exception of the proposed administrative adjustment and minor modification for reduced setback landscaped area and the placement of outdoor seating within 10 feet of the drive-through lane, the proposed project satisfies all applicable development standards. The closest residential properties are 189 feet to the northwest and a motel separates the residences and the proposed use. Additionally, no alcoholic beverages will be served or sold from this site and the use will provide a service to motel patrons. Although two of the five outdoor tables will be less than 10 feet from the drive-through lane, the two seats will be at the entry of the approximately 240-foot long drive-through lane, which could reduce the time cars idle next to the seats. Additionally, the majority of the seating is provided inside the building. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- B. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the administrative adjustment from landscaped setback requirements along Gisler Avenue, as modified by the Zoning Administrator. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, existing drive aisles and parking on the two abutting properties affect the design of the landscaping along this street frontage. The deviation shall be subject to such conditions so as to assure that approval of the administrative adjustment from setback requirements would not constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and zone in which the property is situated. Granting the variance will not allow a use, density, or intensity, which is not in accordance with the general plan designation and specific plan for the property.
- C. The information presented substantially complies with section 13-29(g)(6) of the Costa Mesa Municipal Code in that the maximum 4-foot reduction in the landscape setback along Harbor Boulevard will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood and the improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space, and any other applicable features relative to a compatible and attractive development. Specifically, this reduction is the result of a future right turn pocket that will begin on this property and continue to the Gisler intersection. The

remainder of the setback is provided as required, and additional planter area will be provided behind this future turn pocket, which will off-set some of the reduction. Lastly, the building is setback approximately 45 feet from Harbor Boulevard.

- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15302.
- E. The project, as condition, is consistent with Chapter XII, Article 3, Transportation System Management of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

- Plng. 1. Incorporate the two-foot bumper overhang of parking spaces into abutting on-site landscaped areas.
2. Incorporate Low Impact Development (LID) design techniques into all landscape areas, under the direction of Planning and Public Services staff.
3. Upon the effective date of approval of the minor conditional use permit, applicant shall immediately begin working with the Transportation Services Division and Cal Trans to replace the chain link fence along the off ramp with a combination wrought iron with pilaster supports or other fence/barrier acceptable to both the City and Cal Trans, and to landscape the area between the property line and V ditch consistent with abutting on-site landscape. The off-site fencing and landscaping plan shall be submitted for review and approval to the Planning Division. Issuance of the certificate of occupancy shall not be withheld pending the completion of this condition; however, the applicant shall provide documentation of the progress and estimated time of completion of this condition prior to release of the certificate of occupancy.
4. As feasible, reduce the width of the three access driveways as close as possible to a 20-foot minimum width.
5. Increase the depth of the easternmost landscape planter along Gisler Avenue to a minimum 17 feet.
6. Provide landscaping along the east property line where it abuts landscaping on the gas station property.
7. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
8. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
9. The conditions of approval and ordinance or code provisions of Zoning



Application ZA-09-12 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

10. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
11. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at 714.754.5273 for additional information.
12. The restaurant shall be limited to the type of operation described in the staff report. Any change in the operational characteristics including, but not limited to, hours of operation, sale of alcoholic beverages or provision of entertainment, will require approval of an amendment to the minor conditional use permit, subject to either Zoning Administrator or Planning Commission approval.
13. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
14. Transformers, backflow preventers, and any other above-ground utility improvements, shall be located outside of the required street setback area and shall be screened from view, under the direction of Planning staff.
15. Hours of operation for customer service are limited to 6 a.m. to 1 a.m. Monday through Thursday and 6 a.m. to 1:30 a.m. Friday, Saturday, and Sunday.
16. On-site controls (i.e., cones and employees) shall be instituted during peak operating times to minimize idling vehicle emissions.
17. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
18. Truck deliveries shall not occur between 8 p.m. and 4 a.m.
- Eng. 19. During construction, maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
- Trans 20. Install a sign at the exit of the drive-through lane directing drivers to exit Gisler Avenue to access the I-405 Freeway. A similar sign shall be located facing eastbound drivers as they enter the aisle leading to Harbor Boulevard.

**RESOLUTION NO. PC-09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING ZA-09-12**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by John Puente authorized agent for property owner June O'Connor, with respect to the real property located at 3211 Harbor Boulevard, requesting a minor conditional use permit for an approximately 3,200 sq.ft. drive-through restaurant with outdoor seating; an administrative adjustment to allow a 17-foot deep landscaped setback along Gisler Avenue and a 16-foot deep landscaped setback along a portion of Harbor Boulevard in a C1 zone; and

WHEREAS, Planning Commission Chair James Righeimer requested a review of ZA-09-12 on April 13, 2009; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 27, 2009; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby reverses the Zoning Administrator's decision and **DENIES** Zoning Application ZA-09-12 with respect to the property described above.

**PASSED AND ADOPTED this 27<sup>TH</sup> day of April, 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (If denied)**

- A. The information presented does not substantially comply with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed drive-through restaurant with outdoor seating is not substantially compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity.
- B. The information presented does not substantially comply with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances are not applicable to the property exist to justify granting of the administrative adjustment from landscaped setback requirements along Gisler Avenue. Strict application of the zoning ordinance would not deprive the property owner of privileges enjoyed by owners of other property in the vicinity under the identical zoning classification.
- C. The information presented does not substantially comply with section 13-29(g)(6) of the Costa Mesa Municipal Code in that the maximum 4-foot reduction in the landscape setback along Harbor Boulevard will be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood and the improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space, and any other applicable features relative to a compatible and attractive development.
- D. The Costa Mesa Planning Commission has denied ZA-09-12. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.



City of Costa Mesa

- ☐ Appeal of Planning Commission Decision - \$1070.00  
☐ Appeal of Zoning Administrator/Staff Decision - \$670.00

**APPLICATION FOR APPEAL, REHEARING, OR REVIEW**

Applicant Name\* In N Out Burger  
Address 3211 Harbor Blvd  
Phone \_\_\_\_\_ Representing \_\_\_\_\_

REQUEST FOR: ☐ REHEARING ☐ APPEAL ☒ REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

ZA-09-12

ZA-09-13

ZA decision on April 9, 2009

Decision by: Zoning Administrator

Reasons for requesting appeal, rehearing, or review:

Planning Commission Chair Jim Rieheimer requests review of the two Zoning Administrator approvals noted above.

Date: 4-13-09

Signature: [Signature]

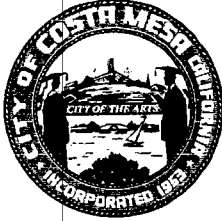
\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.

\*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

April 9, 2009

John Puente  
13502 Hamburger Lane  
Baldwin Park, CA 91706

**RE: MINOR CONDITIONAL USE PERMIT ZA-09-12  
3,200 SQ.FT. IN 'N OUT DRIVE-THROUGH RESTAURANT  
3211 HARBOR BOULEVARD, COSTA MESA**

Dear Mr. Puente:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on April 16, 2009, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or is called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Willa Bouwens-Killeen, at 714-754-5153 or [wbkilleen@ci.costa-mesa.ca.us](mailto:wbkilleen@ci.costa-mesa.ca.us).

Sincerely,

KIMBERLY BRANDT, AICP  
Zoning Administrator

Attachments: Project description  
Findings  
Conditions of approval  
Approved conceptual plans

cc: Engineering  
Fire Protection Analyst  
Building Division

June O'Connor  
P.O. Box 1942  
Newport Beach, CA 92649

## PROJECT DESCRIPTION

- Applicant proposes demolishing an existing 6,600 sq.ft. restaurant (formerly Kaplan's) and constructing a 3,200 sq.ft. In 'n Out Burger drive-through restaurant. Drive-through restaurants are reviewed via minor conditional use permits.
- Proposed hours of operation are 10:30 a.m. to 1 a.m., Sunday through Thursday and 10:30 a.m. to 1:30 a.m. Friday and Saturday. Although the project site is located within 200 feet of residentially-zoned property (residential condominiums exist 189 feet to the northwest), no alcoholic beverages will be served and the two uses will be separated by the existing Vagabond Inn motel. Consequently, the proposed drive-through restaurant should not impact residents and should be a complementary use for motel patrons.
- Code requires outdoor seating area to be placed a minimum of 10 feet away from drive-through lanes. Although two of the five outdoor tables are within this 10-foot separation area, they are located at the entrance of the drive-through lane, approximately 240 feet from the pick-up window. The distance from the pick-up window could reduce the times cars idle next to the tables. Additionally, the outdoor seating is not the only seating provided for the restaurant; the majority of the seating is inside the building.
- Consistent with other In 'n Out locations, on-site controls (i.e., cones and employees) will be instituted during peak operating times to minimize waiting times for customers, thus minimizing idling vehicle emissions, as required by Code.
- An administrative adjustment is requested to allow the required 20-foot deep landscaped setback along Gisler Avenue be reduced to a 12-foot depth for two planters. The westernmost planter is limited to a 12-foot depth because of an existing driveway connection between this site and the adjoining motel. However, the easternmost driveway depth can be increased to 17 feet because the abutting drive aisle is 5 feet wider than required by Code. A condition is included to increase the depth of the easternmost planter.
- A minor modification is also required to reduce the southern corner of the landscaping along Harbor Boulevard to a 16-foot depth; 20-foot minimum setback required. (The building will be setback 45 feet from Harbor Boulevard.) This reduction is the result of a future right turn pocket that will begin on this property and continue to the Gisler intersection. The remainder of the setback is provided as required, and additional planter area is shown behind the future turn pocket, which should help off-set the reduction.
- The three driveways are wider than required by Code. A condition of approval has been included requiring the reduction of the driveways to 20 feet, if possible, under the direction of the Planning Division. This could allow for provision of additional landscape area along both streets.
- The proposed site plan can be modified to provide additional opportunities for on-site landscaped area. To that end, a condition of approval has been included requiring car bumper overhang areas adjacent to landscaped areas – both on- and off-site – to be provided as landscaping and to provide landscaping along the east property line where it abuts a planter on the gas station property.
- A condition has been included encouraging incorporation of Low Impact Development (LID) techniques to minimize impacts from drainage, especially from first flush rain storms. The applicant is also encouraged to incorporate "green" building techniques wherever possible.
- To provide a more attractive view of the site from the I-405 off-ramp, a condition has been included requiring the applicant work with Cal Trans to design the site so the Cal Trans chain link fence abutting the property can be removed and on-site landscaping extend to the existing V-ditch on Cal Trans property.

**FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed drive-through restaurant with outdoor seating is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, with the exception of the proposed administrative adjustment and minor modification for reduced setback landscaped area and the placement of outdoor seating within 10 feet of the drive-through lane, the proposed project satisfies all applicable development standards. The closest residential properties are 189 feet to the northwest and a motel separates the residences and the proposed use. Additionally, no alcoholic beverages will be served or sold from this site and the use will provide a service to motel patrons. Although two of the five outdoor tables will be less than 10 feet from the drive-through lane, the two seats will be at the entry of the approximately 240-foot long drive-through lane, which could reduce the time cars idle next to the seats. Additionally, the majority of the seating is provided inside the building. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- B. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the administrative adjustment from landscaped setback requirements along Gisler Avenue, as modified by the Zoning Administrator. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, existing drive aisles and parking on the two abutting properties affect the design of the landscaping along this street frontage. The deviation shall be subject to such conditions so as to assure that approval of the administrative adjustment from setback requirements would not constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and zone in which the property is situated. Granting the variance will not allow a use, density, or intensity, which is not in accordance with the general plan designation and specific plan for the property.
- C. The information presented substantially complies with section 13-29(g)(6) of the Costa Mesa Municipal Code in that the maximum 4-foot reduction in the landscape setback along Harbor Boulevard will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood and the improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space, and any other applicable features relative to a compatible and attractive development. Specifically, this reduction is the result of a future right turn pocket that will begin on this property and continue to the Gisler intersection. The remainder of the setback is provided as required, and additional planter area will be provided behind this future turn pocket, which will off-set some of the reduction. Lastly, the building is setback approximately 45 feet from Harbor Boulevard.

- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15302.
- E. The project, as condition, is consistent with Chapter XII, Article 3, Transportation System Management of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

**CONDITIONS OF APPROVAL**

- Plng.
1. Incorporate the two-foot bumper overhang of parking spaces into abutting on-site landscaped areas.
  2. Incorporate Low Impact Development (LID) design techniques into all landscape areas, under the direction of Planning and Public Services staff.
  3. Upon the effective date of approval of the minor conditional use permit, applicant shall immediately begin working with the Transportation Services Division and Cal Trans to replace the chain link fence along the off ramp with a combination wrought iron with pilaster supports or other fence/barrier acceptable to both the City and Cal Trans, and to landscape the area between the property line and V ditch consistent with abutting on-site landscape. The off-site fencing and landscaping plan shall be submitted for review and approval to the Planning Division. Issuance of the certificate of occupancy shall not be withheld pending the completion of this condition; however, the applicant shall provide documentation of the progress and estimated time of completion of this condition prior to release of the certificate of occupancy.
  4. As feasible, reduce the width of the three access driveways as close as possible to a 20-foot minimum width.
  5. Increase the depth of the easternmost landscape planter along Gisler Avenue to a minimum 17 feet.
  6. Provide landscaping along the east property line where it abuts landscaping on the gas station property.
  7. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
  8. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon



request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

9. The conditions of approval and ordinance or code provisions of Zoning Application ZA-09-12 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
10. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
11. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at 714.754.5273 for additional information.
12. The restaurant shall be limited to the type of operation described in the staff report. Any change in the operational characteristics including, but not limited to, hours of operation, sale of alcoholic beverages or provision of entertainment, will require approval of an amendment to the minor conditional use permit, subject to either Zoning Administrator or Planning Commission approval.
13. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
14. Transformers, backflow preventers, and any other above-ground utility improvements, shall be located outside of the required street setback area and shall be screened from view, under the direction of Planning staff.
15. Hours of operation for customer service are limited to 6 a.m. to 1 a.m. Monday through Thursday and 6 a.m. to 1:30 a.m. Friday, Saturday, and Sunday.
16. On-site controls (i.e., cones and employees) shall be instituted during peak operating times to minimize idling vehicle emissions.
17. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
18. Truck deliveries shall not occur between 8 p.m. and 4 a.m.
19. During construction, maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
20. Install a sign at the exit of the drive-through lane directing drivers to exit Gisler Avenue to access the I-405 Freeway. A similar sign shall be located facing eastbound drivers as they enter the aisle leading to Harbor Boulevard.

Eng.

Trans

## CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- |              |     |  |
|--------------|-----|--|
| Bus.<br>Lic. | 1.  | All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy, and utility releases will not be granted until all such licenses have been obtained.  |
| Plng.        | 2.  | Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiating construction. If the applicant is unable to obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.                              |
|              | 3.  | Once the use is legally established, the zoning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable. |
|              | 4.  | Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.  |
|              | 5.  | Street addresses shall be displayed on the freestanding sign or, if there is no freestanding sign, on the fascia or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be a minimum 12" in height with not less than 3/4" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.                    |
|              | 6.  | Development shall comply with all requirements of Articles 3 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.   |
|              | 7.  | Parking stalls shall be double-striped in accordance with City standards.  |
|              | 8.  | All on-site utility services shall be installed underground or provisions made for future undergrounding, if it is impractical at this time.   |
|              | 9.  | Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.   |
|              | 10. | Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.   |

11. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Drought tolerant and native plant materials shall be incorporated into the plans as much as possible; turf is not encouraged. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
12. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
13. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
14. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division.
15. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing, under the direction of Planning staff.
16. Trash enclosure or other acceptable means of trash disposal shall be provided. Design of trash enclosure shall conform with City standards. Standard drawings are available from the Planning Division.
17. Outdoor public communication systems shall not be audible in adjacent residential areas.
- Bldg. 18. Comply with the requirements of the 2007 California Building Code, California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa.
19. Submit a soils report for this project. One boring shall be at least 15 feet deep. Soils report recommendations shall be blueprinted on the plans.
20. Submit grading and drainage plan for this project.
21. Provide erosion control plans.
- Fire 22. Comply with Orange County Health Agency requirements.
23. Provide fire extinguishers with a minimum rating of 2A 10 BC to be located within 75 feet of travel distance from all areas. Also, a "K" type of extinguisher shall be required in the kitchen/cooking area.
24. Provide an approved automatic extinguishing system for all cooking surfaces, hoods, and ducts.
25. All decorative material shall meet requirements from California Fire Code Table 803.3. In addition, foam plastics shall comply with California Building Code 2604.2 and C.F.C. 807.4.2.1.
26. Seating, doors, and exists shall comply with C.B.C. Chapter 10.
27. Fire sprinklers shall be required if the fire area exceeds 5,000 sq.ft. of the occupant load is 100 or more.
28. A fire alarm shall be required if the occupant load is 300 or more.
29. Fire hydrants must be within 400 feet of all portions of the building.
30. A Fire Department permit for "Places of Assembly" is required and can be obtained through the Fire Department.
- Eng. 31. At the time of development submit for approval an Offsite Plan to the

Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-29(2)(b) of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.

32. A Construction Access Permit and deposit of \$730 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
33. Submit plans to and obtain a permit from CALTRANS prior to performing any work in the State Right of Way.
34. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. sidewalk per City of Costa Mesa Standards
35. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance required for all new driveway approaches as required.
36. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk as required, at applicant's expense.
37. Fulfill Drainage Ordinance Fee requirements prior to Approval of Plans.
38. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to Approval of Plans.
39. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa, they shall be maintained by the owner of the property. Private lateral connections to City storm drains will require a Hold Harmless Agreement prior to issuance of permit.
40. Applicant is informed Gisler Avenue is under a "NO OPEN CUT" moratorium until June, 2013. Open cutting the street pavement during the moratorium period shall require special resurfacing requirements.
41. Fulfill mitigation of off-site traffic impacts at the time of issuance of Certificate of Occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. At the current rate per trip end, the traffic impact fee is estimated at \$35,838.00. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

Trans

**SPECIAL DISTRICT REQUIREMENTS**

The requirements of the following special districts are hereby forwarded to the applicant:

- |        |    |  |
|--------|----|--|
| Sani.  | 1. | It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.   |
| Water  | 2. | Applicant is reminded that additional conditions of development may be imposed by Mesa Consolidated Water District (949) 631-1200 and/or other serving utilities. Subject to approval by the board of directors, Mesa Consolidated Water District may require payment of a developer impact fee prior to installation of water service or construction of required master plan facilities. |
| AQMD   | 3. | Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by the district.  |
| School | 4. | Pay applicable Newport Mesa Unified School District fees to the Building Division prior to issuance of building permits.   |
| CDFA   | 5. | Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at 714.708.1910 for information.   |

## PLANNING APPLICATION SUMMARY

Location: 3211 Harbor Boulevard Application: ZA-09-12

Request: Minor conditional use permit to construct an approximately 3,200 sq.ft. drive-through restaurant with outdoor seating.

### SUBJECT PROPERTY:

### SURROUNDING PROPERTY:

Zone: <u>C1</u>	North: <u>Off ramp for 405 Freeway</u>
General Plan: <u>General Commercial</u>	South: <u>C1 – gas station; Across Gisler: C1 -- vacant gas station and 7-11</u>
Lot Dimensions: <u>Irregular</u>	East: <u>Across Harbor – C1, Car Max</u>
Lot Area: <u>52,272 sq.ft.</u>	West: <u>C1 – Vagabond Inn Motel</u>
Existing Development: <u>Approximately 6,600 sq.ft. restaurant (vacant)</u>	

## DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
-----------------------------	-------------------------	--------------------------

<b>Lot Size:</b>			
Lot Width	120 ft.	124 ft.	
Lot Area	12,000 sq.ft.	52,272 sq.ft.	
<b>Floor Area Ratio:</b>			
(High Traffic FAR)	.2 (10,454 sq.ft.)	.06 (3,265 sq.ft.)	
<b>Building Height:</b>			
	2 stories/30 ft.	1 story/30 ft.	
<b>Interior Landscaping</b>			
	1,300 sq.ft.	3,000 sq.ft.	
<b>Setbacks (Harbor Boulevard is front):</b>			
		<b>Bldg.</b>	<b>Lnscp.</b>
Front	20 ft.	45 ft.	16 to 20 ft.
Side (left/right)	20 ft./0 ft.	60 ft./3 ft.	12 -- 17 ft.*/NA
Rear	0 ft.	144 ft.	NA
<b>Parking:</b>			
Standard	33	49	
Handicapped	2	3	
TOTAL	35	52	
<b>Driveway Width:</b>			
	20 ft.	16** to 20 ft. minimum	
<b>Drive-through Length:</b>			
	160 foot minimum	240 feet	
<b>Drive-through entrance from public street</b>			
	25 feet minimum	170 feet	
<b>Drive-through width:</b>			
	11 feet minimum	11 feet	
<b>Outdoor seating from drive-through:</b>			
	10 feet minimum	4 feet minimum ***	

CEQA Status Exempt, Class 2 (Replacement or Reconstruction)

Final Action Zoning Administrator

\* Easternmost planter depth Conditioned to be increased from 12 ft. to 17 ft.

\*\* 16-foot width is nonconforming.

\*\*\* See discussion in staff report

**APPLICANT LETTER  
DESCRIPTION OF JUSTIFICATION FORM**

**IN-N-OUT BURGER at HARBOR BLVD. AND GISLER AVE.  
COSTA MESA, CA**

**DESCRIPTION OF REQUEST**

Request for a Minor Conditional Use Permit for an IN-N-OUT Burger with a drive-thru and outdoor seating. In addition an Administrative Adjustment is required to reduce the landscape setback along Gisler Avenue to 12 feet, and a Minor Modification is required to reduce the landscape setback along Harbor Blvd., due to a future 8 feet right turn dedication.

The proposed IN-N-OUT Burger, a fast-food restaurant with drive-thru, is located at the NWC of Harbor Boulevard and Gisler Avenue. The proposed 3,265 sq. ft. IN-N-OUT Burger restaurant will have indoor dining, outdoor patio seating, and a drive-thru window. A Minor Conditional Use Permit is required for drive-thru restaurants and outdoor seating per City of Costa Mesa.

Proposed vehicle queuing/stacking in the drive-thru lane is over 250 linear feet and can accommodate fourteen vehicles (or more, depending upon size) from the drive-thru pick-up window to the entry sign. Approximately forty nine (49) parking spaces, including three (3) ADA van accessible spaces are provided.

**HISTORICAL DATA, ZONING, AND REGULATORY APPROVALS**

The proposed IN-N-OUT Burger property is where the vacant Kaplan's Deli building stands. The site has been vacant for over three years.

The site is zoned C-1, Local Business. Restaurants are a permitted use in the C-1 zone.

As stated previously, IN-N-OUT Burger, is requesting review and approvals for a Minor Conditional Use Permit due to their drive-thru and outdoor seating.

Approval from the Orange County Environmental Health is required for all new food establishments prior to the issuance of the building permit.

Rendered elevations with signage for the IN-N-OUT Burger are attached for reference. It should be noted that signage will be approved under a separate sign permit.

## **OPERATION ASPECTS**

The site lighting fixtures and poles will comply with the City of Costa Mesa's regulations.

The building setbacks adjacent to the City of Costa Mesa right-of-way have been honored. An Administrative Adjustment to reduce the landscape setback along Gisler Avenue to 12 feet, and a Minor Modification for a reduced landscape along Harbor Blvd., due to a future 8 feet right turn dedication, are required due to the unusual site configuration.

All service equipment (such as trash enclosures, transformers, drive-thru menu boards, and customer pick-up windows) is adequately screened from public view.

The IN-N-OUT Burger's hours of operation are Sunday thru Thursday 10:30 am to 1:00 am and 10:30 am to 1:30 am Friday and Saturday. There are 50 full and part-time employees with an average of 16 employees per shift. The typical IN-N-OUT Burger has 2 shifts per day and contracts with an independent cleaning crew after business hours.

## **CONCLUSION**

As designed the proposed IN-N-Out Burger restaurant will adhere to the requirements of the City of Costa Mesa. As the Agent for the Applicant, GreenbergFarrow will work closely with the City of Costa Mesa to ensure that all the project documents will be coordinated and the entitlement approvals, plan check, permitting, and construction processes will proceed in an orderly fashion.

The proposed IN-N-OUT Burger will be a positive addition to the City of Costa Mesa and bring new life to a vacant restaurant site. The company's focus on customer service and consistently high quality food product will be enjoyed and treasured by the nearby residents.



818. 704. 4300 fax  
4343

## HAYDEN & KASSEL

A LAW CORPORATION

5959 Topanga Canyon Boulevard, Suite 305  
Woodland Hills, California 91367-3648

GLENN M. HAYDEN  
Glenn@HaydenKassel.com

Telephone • (818) 704-4300  
Facsimile • (818) 704-4300

JONATHAN D. KASSEL  
JonathanKassel@HaydenKassel.com

**Received**  
**City of Costa Mesa**  
**Development Services Department**

APR - 9 2009

April 8, 2009

1039-019

Zoning Administrator  
City of Costa Mesa  
77 Fair Drive  
Planning Division, Second Floor  
Costa Mesa, California 92628

***Re: Zoning Application ZA-09-12 for John Puente, authorized agent for June O'Connor for a minor conditional use permit for an In-N-Out Burger Restaurant***

Gentlemen:

Please be advised that this office represents Prakashkumar L. Patel and Kola Hotel, LLC, a California Limited Liability Company, owners of the real property commonly known as the Vagabond Inn, 3205 Harbor Boulevard, Costa Mesa, California 92625, located on Parcel 3 of the three-parcel Parcel Map filed on June 2, 1970 in Book 29, Page 38, of Parcel Maps in the office of the Orange County Recorder (the "Parcel Map"). Parcel 3 is contiguous to Parcel 2 of the Parcel Map, which is the property for which the conditional use permit is sought.

Enclosed for your review and consideration prior to rendering a decision in the above-referenced matter is a proposed layout of Parcel 2 for the proposed In-N-Out Burger restaurant to be located at 3211 Harbor Boulevard, Costa Mesa, California 92625, upon which I have marked Parcel 1, being the existing ARCO gas station and Parcel 3 being the existing 2-story Vagabond Inn (Exhibit "1").

Please note the following objections to the above-referenced Zoning Application.

1. The proposed hours of operation (open until 1:00 a.m. on weekdays and 1:30 a.m. on weekends) will have a detrimental impact on guests of the Vagabond Inn. Car lights flashing into room windows and the substantial noise and commotion caused by young customers and freeway customers of an In-N-Out Burger will create an

Page 2

excessive disturbance for guests of the Vagabond Inn and which will damage its owners.

2. The three (3) parcels shown on the Parcel Map are contiguous to the southbound off-ramp of the 405 Freeway exiting onto Harbor Boulevard. Harbor Boulevard is an extremely busy street, and there is generally traffic backed up at the southbound off-ramp of the 405 Freeway. Motorists turn right to proceed southbound on Harbor Boulevard, and almost immediately approach the driveway leading to the ARCO gas station or the easement leading to the Vagabond Inn and one of the entrances to the proposed In-N-Out Burger, which is a very popular fast-food restaurant chain and which generates a significant amount of traffic in any area in which they are located. This will impact traffic not only exiting onto Harbor Boulevard from the southbound off-ramp of the 405 Freeway, but also southbound surface street traffic on Harbor Boulevard, which backs up from Gisler Avenue. This will not only cause an extremely unsafe and accident prone environment, but will also generally over utilize the existing roadways in that area.
3. The northbound off-ramp of the 405 freeway will also be impacted by the additional traffic created by the proposed In-N-Out Burger. Motorists must turn right and go north onto Harbor Boulevard, then stop and make a U-turn at the next intersection to go south on Harbor Boulevard to the entrance of the proposed In-N-Out Burger. This not only increases southbound traffic on Harbor Boulevard, but also creates an unsafe condition by motorists stopping to make a U-turn on Harbor Boulevard, which will be filled beyond capacity and cause additional traffic delays and potential accidents.
4. There is already significant traffic at the intersection of Harbor Boulevard and Gisler Avenue generated by the ARCO gas station and the Vagabond Inn.
5. Not only is the 405 Freeway extremely busy, but the north and south off-ramps at Harbor Boulevard are located very near to the junctions of the 57 Freeway and the 55 Freeway, which further impact traffic in the area.
6. When the Parcel Map was originally approved, a sit down restaurant was situated on Parcel 2, which generated much less traffic than an In-N-Out Burger will generate with its drive-thru lane and indoor/outdoor seating.

Page 3

7. Many customers of In-N-Out Burger also stop their cars in the parking area to eat their meal, which will impede the flow of traffic not only for In-N-Out Burger, but also for the ARCO gas station and the Vagabond Inn, and which will also result in a substantial amount of trash and debris being discarded in the parking and adjacent areas in the neighborhood.
8. The Vagabond Inn has a dedicated recorded thirty foot (30') easement for ingress and egress which would be overly utilized by traffic accessing In-N-Out Burger and its drive-thru lane.
9. Guests of the Vagabond Inn have also been utilizing the existing prescriptive easement for ingress and egress at the Gisler Avenue entrance in order to reach its main entrance, which is at the end of the dedicated easement, as well as two lanes for ingress and egress to its parking adjacent to Gisler Avenue, which will be reduced to either ingress *or* egress. The proposed handicapped parking for In-N-Out Burger blocks the area that was previously utilized for ingress and egress through a prescriptive right going back through the extension of the parking area along the northerly border of the In-N-Out Burger for access to the rear parking area for the Vagabond Inn.
10. Positioning a trash receptacle in the middle of the existing driveway and parking area will only further exacerbate the flow of traffic.
11. Allowing less setback than required will certainly reduce the ambiance of all three properties.
12. Allowing a change of use from a sit down restaurant to a fast food, drive-thru restaurant will also severely impact the already burdensome traffic conditions.

Accordingly, for all of the above reasons, request is made that you carefully consider our clients' concerns in rendering your decision.

Very truly yours,

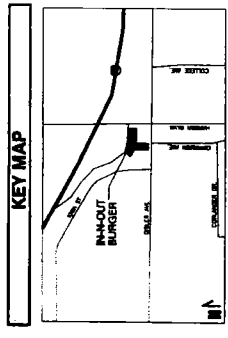
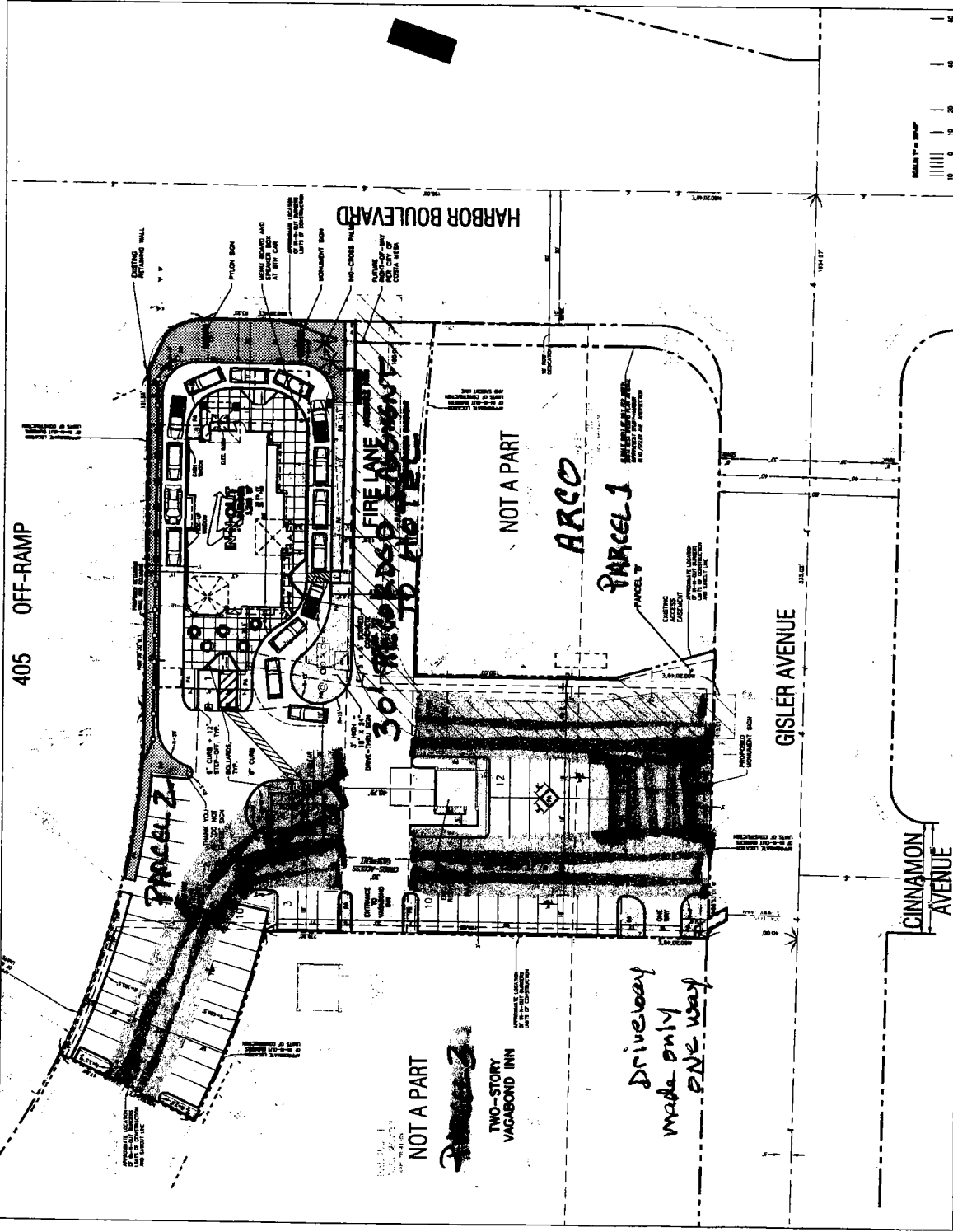


GLENN M. HAYDEN

GMH:sep:LT10  
Enclosures

c: Kola Hotel, LLC

EXHIBIT "1"



PROJECT SUMMARY	
PROJECT DESCRIPTION	COSTA MESA, CA
ZONING CLASSIFICATION	CITY OF COSTA MESA, CA LOCAL BUSINESS (C-1) LOCAL BUSINESS (C-1)
SITE AREA	±1.19 AC (±51,671 SF) ±8.32% (±2,792 SF/AC)
BUILDING AREA	IN-N-OUT BURGER 3,286 SF
PARKING SUMMARY	
USER	IN-N-OUT BURGER
REQUIRED	10 SP/1000 SF (FOR THE FIRST 3,000 SF) + 2 SP/1000 SF (AFTER)
TOTAL	36
STANDARD:	48
HARBOR:	3
BUILDING SETBACKS	
FRONT	15'-0" ON ONE SIDE
REAR	20'-0"
SIDE	10'-0"
DRAWING ISSUE/REVISION RECORD	
DATE	DESCRIPTION
02-28-00	PREPARING SITE PLAN INQ. CA-COSTA MESA INITIALS (NWC HARBOR & GISLER) 1-1/2" UPDATE INQ. FOOTPRINT, REPLACED TRASH ENCLOSURE WITH BIGGER PROTOTYPE. CA-COSTA MESA 02-14-00
02-27-00	PREPARING SITE PLAN INQ. CA-COSTA MESA (NWC HARBOR & GISLER) 1-1/2" UPDATE INQ. AND GRADING AND UTILITY PLAN RECEIVED FROM CIVIL
02-27-00	PREPARING SITE PLAN INQ. CA-COSTA MESA (NWC HARBOR & GISLER) 1-1/2" MODIFIED SCREEN WALL AND COLUMNS PER COMMENTS FROM NWC OFF MEETING.
DATE	REVISIONS
02-28-00	DOUG COUPER
02-28-00	JOHN PUENTE
PROJECT NOTES	
1. THIS CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. SITE SPECIFIC INFORMATION SUCH AS EXISTING CONDITIONS, ZONING, PARKING, LANDSCAPE REQUIREMENTS MUST BE VERIFIED.	
2. ALL CURB CUTS AND TRAFFIC SIGNALS SHOWN, EXISTING AND PROPOSED, ARE BASED ON THE LATEST AVAILABLE DATA.	
3. THIS SITE PLAN IS BASED ON A SURVEY PREPARED BY H&A ENGINEERING DATED 02/08/00 AND A CAD FILE OF THE GRADING AND UTILITY PLAN PREPARED BY H&A ENGINEERING DATED 02/10/00.	

**GreenbergFarrow**  
1820 Main Street, Suite 1150  
Irvine, CA 92614  
T 949 266 0450 F 949 266 0479

**IN-N-OUT**  
Burger

APPROVAL: MIKE BAILEY  
JOHN PUENTE  
WALTER DESSLER  
JEFF RUSSELL  
DOUG COUPER

**INO, CA-COSTA MESA (NWC HARBOR & GISLER)-1m**  
**3211 HARBOR BOULEVARD**

**30' RECORD EASEMENT FOR HOTEL**  
**USE OF PROPERTY IMPROVEMENTS + EASEMENT**  
**Prescriptive Easement**

20080776.0

**Received**  
**City of Costa Mesa**  
**Development Services Department**

**APR - 8 2009**

4/7/09

City of Costa Mesa  
Planning Administrator

To Whom It May Concern:

I live at 1635 Iowa Street off of Gisler and Harbor and recently received the city notice regarding a new IN-N OUT burger for zoning application ZA-09-12, and ZA-09-13 at 3211 Harbor Boulevard. I want to express my concerns pertaining to the hours of walk up food service as well as the height of the sign.

First I do not think it is in the best interest of the community to have a fast food location that allows walk up service and outside dining past 10PM...during the week or on the weekends. The element of people that this will attract is not something that we should support in our community. If they have an inside dining area that people can park and eat inside I can understand, but being familiar with IN-N-OUT I realize an outside dining only area or walk up service past 10PM promotes an element that I would prefer not attract so close to my home and community that I have invested in.

While I love the food and will more than likely patron; I do not think a sign above our city code of 25 feet should be allowed just because it is near the freeway. If IN-N-OUT wants to advertise for freeway traffic they should do this with billboards and not continue the pattern of the Vagabond Inn, Car Max and Dennys that we as residents have to view every day. I can attest that it lowers my own view of the area I live in because it reflects the older neighborhoods and not a newer cleaner image of a nice neighborhood that I would hope we can move towards...

I feel very strongly the sign should remain at the approved city code height level of no more than 25 feet (32 ft at the most- height of existing sign), and walk up and outside dining should not be allowed after 10PM.

Please feel free to contact me with any questions...



Jason Martin  
(949) 293-3185  
1635 Iowa St #A Condo Owner  
Costa Mesa 92626

**Thomas V. Hammond**



1626-C Iowa Street, Costa Mesa, CA 92626

Telephone: (714) 662-7421

Fax: (714) 957-8634

E-Mail: [SAFEVEST@AOL.COM](mailto:SAFEVEST@AOL.COM)

**Received**

City of Costa Mesa  
Development Services Department

March 31, 2009

APR - 2 2009

City of Costa Mesa  
Box 1200  
Costa mesa, CA 92628-1200

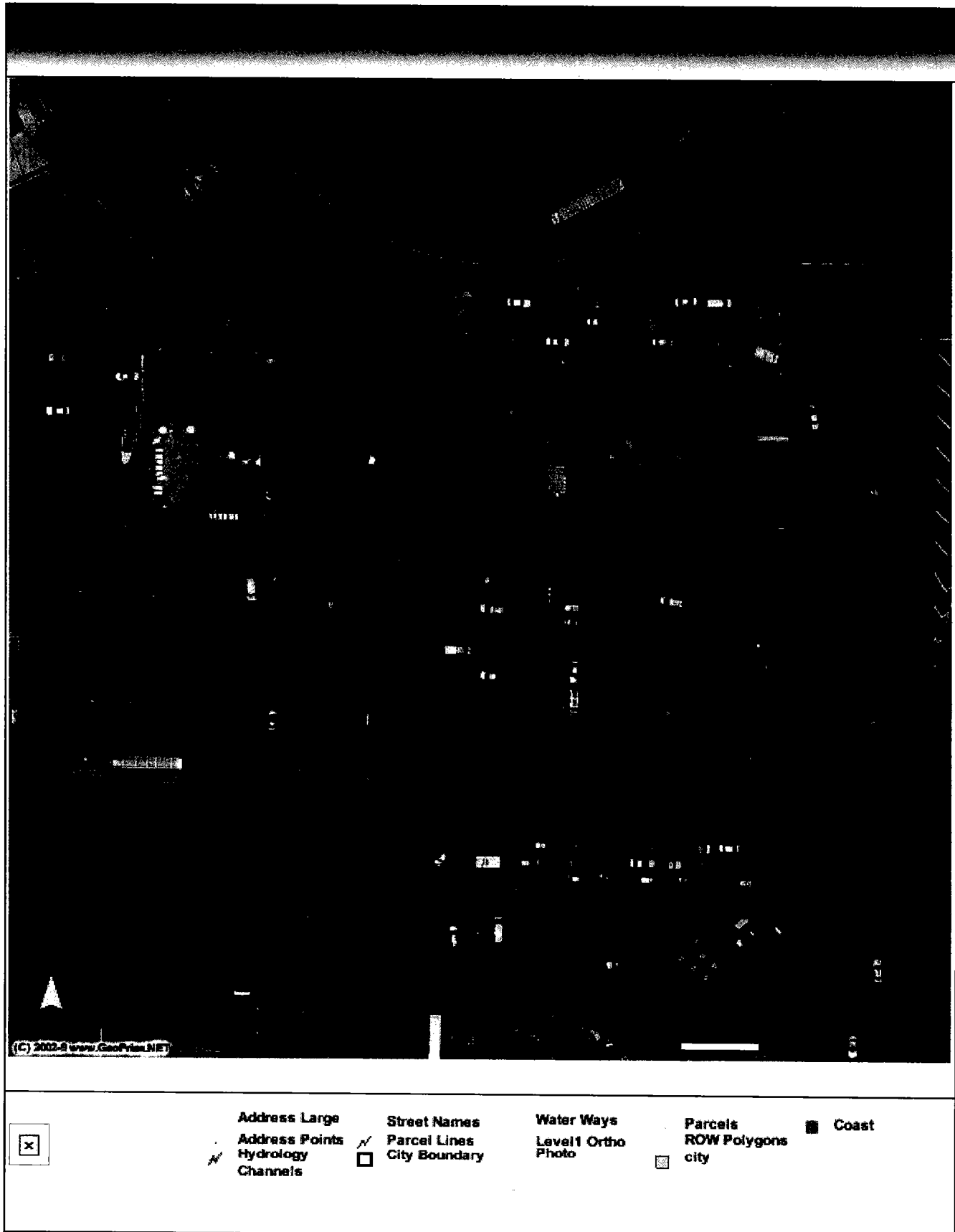
Planning Division.

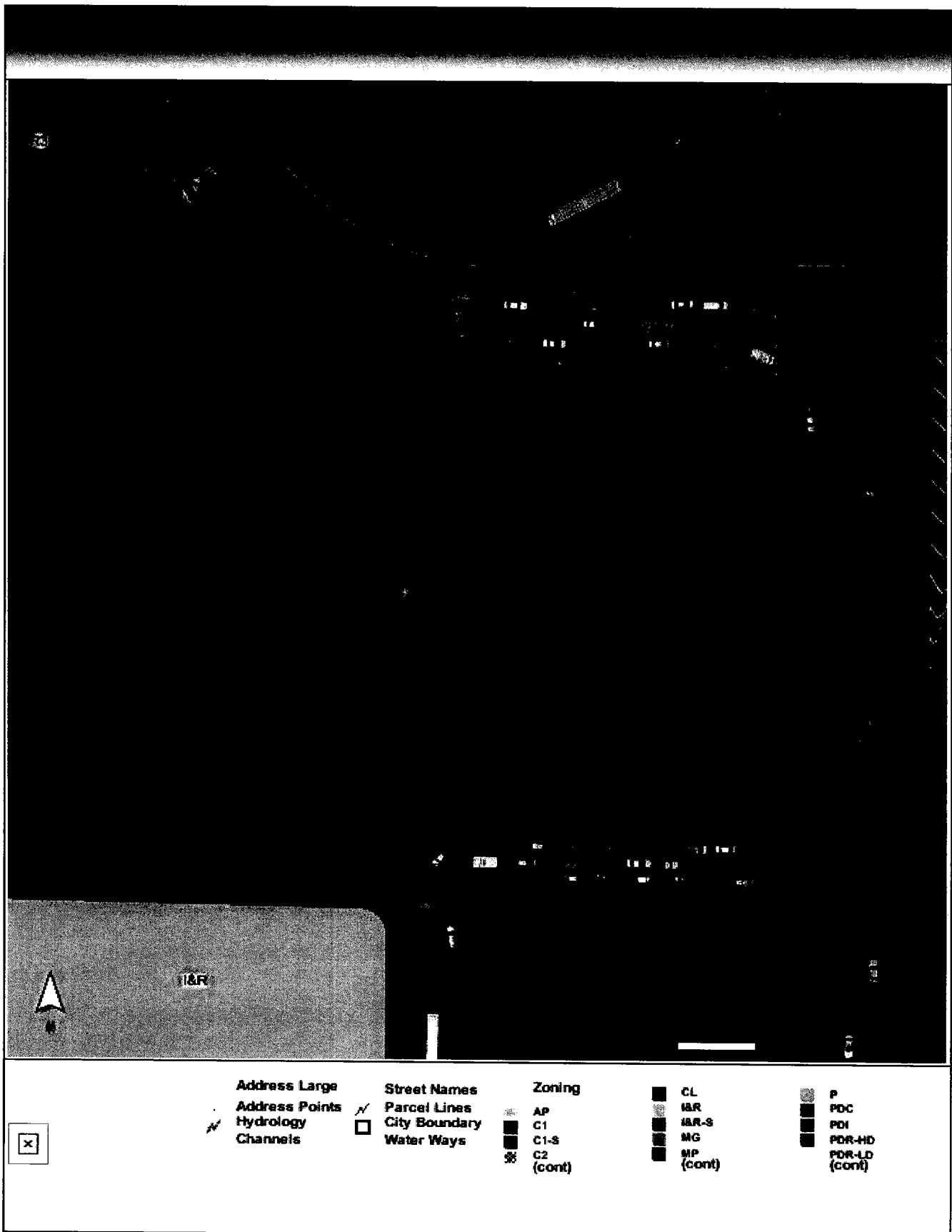
Regarding zoning applications ZA-09-12 & 13; In-N-Out Burger. I am not opposed, I think it would be a great addition to the area. I only have one concern. I question the wisdom of outdoor eating down-wind from the crematorium. The smoke at times can be very noticeable. As much as I enjoy eating dead meat, I do not much care to breathe it.

Thank you for your time and wisdom in serving the Costa Mesa community.

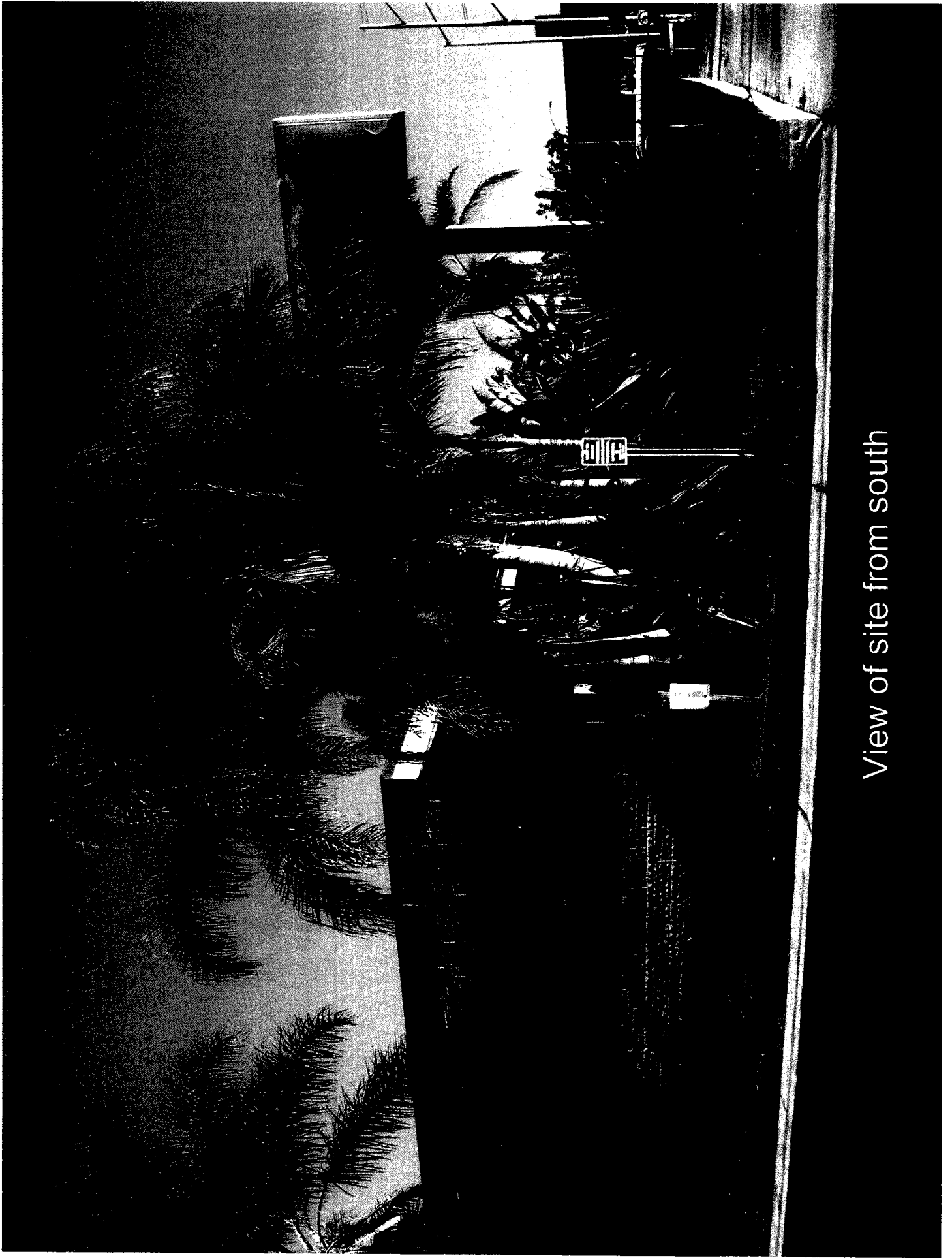
Sincerely yours

Tom Hammond

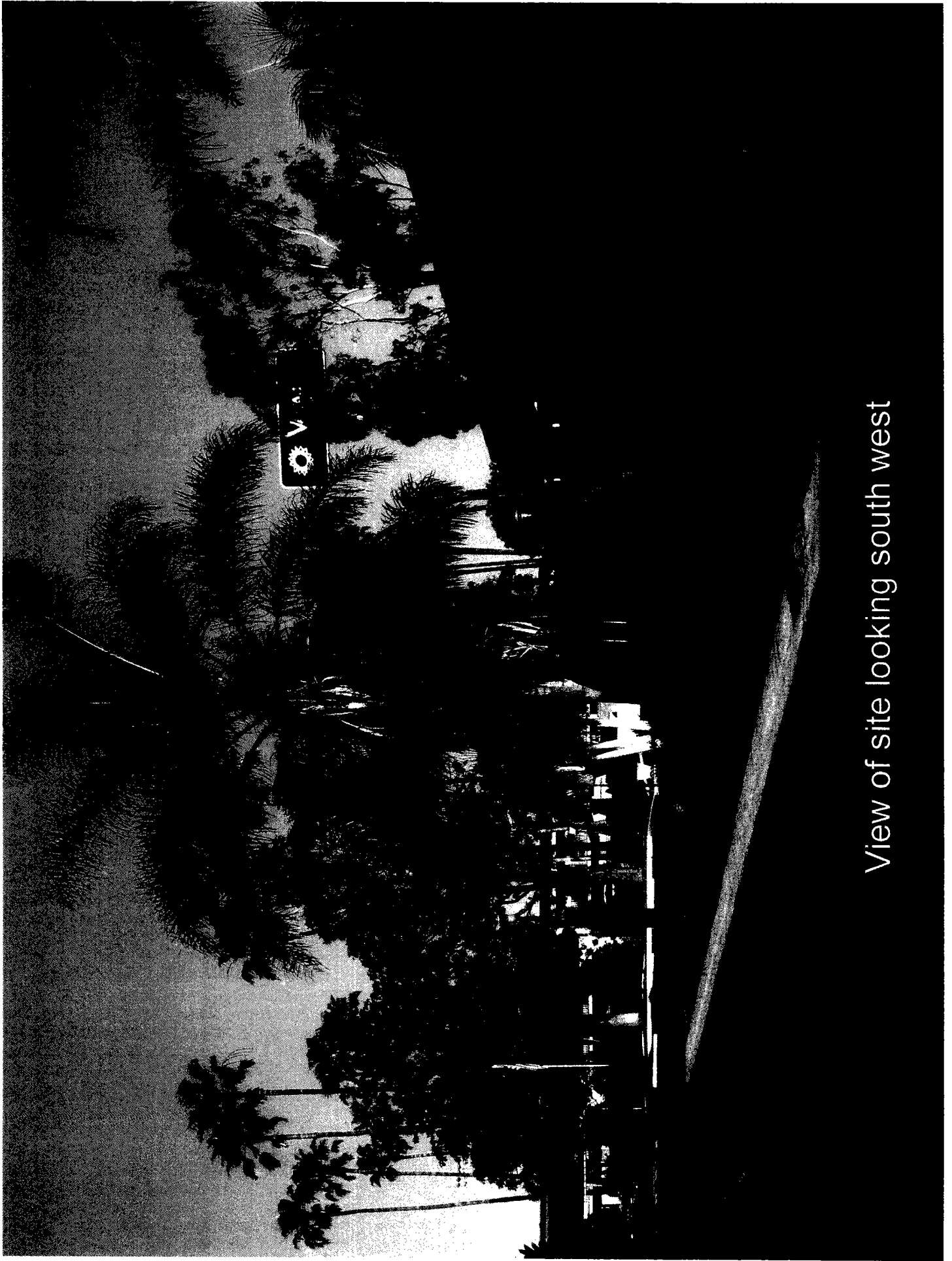




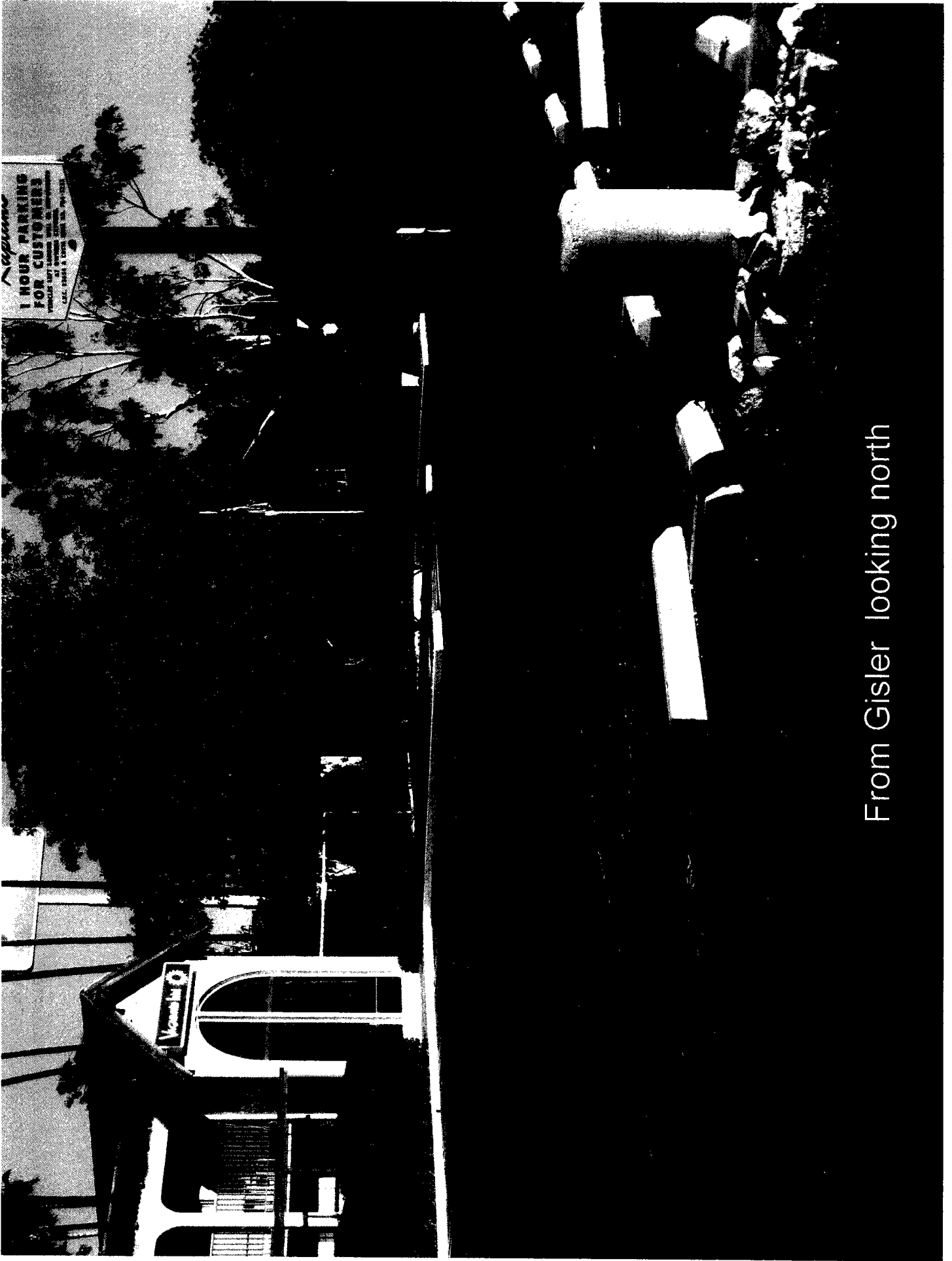




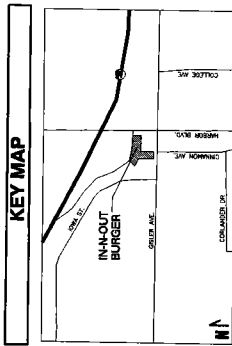
View of site from south



View of site looking south west



From Gisler looking north



# PROJECT SUMMARY

**PROJECT DESCRIPTION**  
 LOCATION: COSTA MESA, CA  
**ZONING CLASSIFICATION**  
 JURISDICTION: CITY OF COSTA MESA, CA  
 EXISTING ZONE: LOCAL BUSINESS (C)  
 PROPOSED USE: LOCAL BUSINESS (C)

**SITE AREA**  
 TOTAL SITE AREA: 1.119 AC (481,871 SF)  
 SITE COVERAGE: 24.32% (117,782 SF AC)

**BUILDING AREA**  
 IN-N-OUT BURGER: 3,286 SF

# PARKING SUMMARY

USER	RATIO	REQUIRED	PROVIDED	SPACES
IN-N-OUT BURGER	10 SP/1000 SF FLOOR	3286	36	
TOTAL				

**BUILDING SETBACKS**  
 FRONT: 15'-0" ON ONE SIDE  
 REAR: 0'-0"  
 SIDE: 0'-0"

# DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	INITIALS
02-09-08	PREPARED SITE PLAN INO, CA-COSTA MESA (NWC HARBOR & GISLER)-1; UPDATE INO (NWC HARBOR & GISLER)-1 PER UPDATED ALTA AND GRADING AND UTILITY PLAN RECEIVED FROM CIVIL	KG
02-19-09	PREPARED SITE PLAN INO, CA-COSTA MESA (NWC HARBOR & GISLER)-1; UPDATE INO (NWC HARBOR & GISLER)-1 PER UPDATED ALTA AND GRADING AND UTILITY PLAN RECEIVED FROM CIVIL	KG
02-27-09	PREPARED SITE PLAN INO, CA-COSTA MESA (NWC HARBOR & GISLER)-1; MODIFIED SCREEN WALL AND COLUMNS PER COMMENTS FROM KICK-OFF MEETING.	KG

**SITE PLANNER**  
 GREENBERG FARROW  
**CLIENT CONTACT**  
 KGM/ACD  
 DOUG COUPER  
 JOHN PUENTE

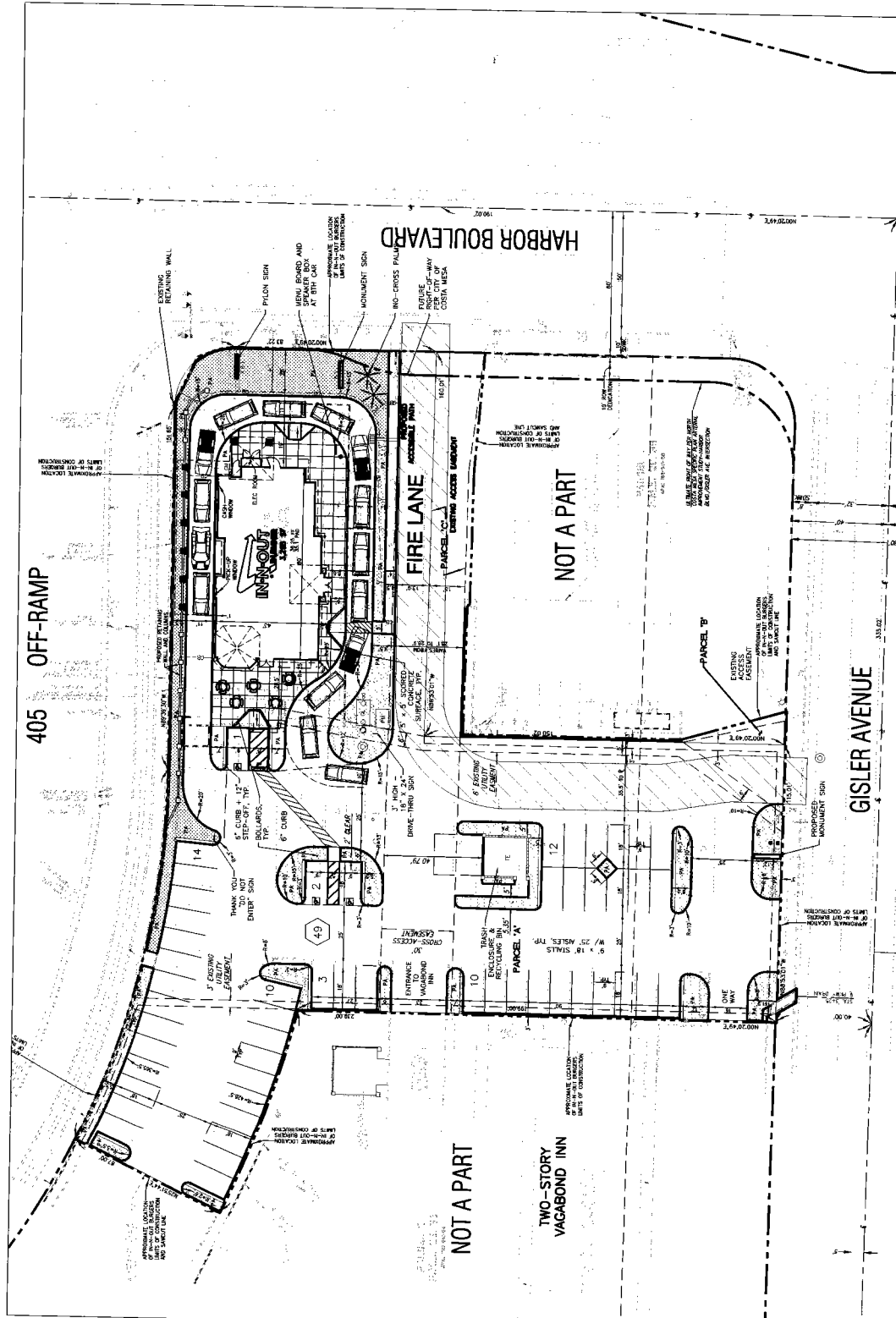
# PROJECT NOTES

- THIS CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. SITE SPECIFIC INFORMATION SUCH AS EXISTING UTILITIES, EXISTING AND PROPOSED LANDSCAPE REQUIREMENTS MUST BE VERIFIED.
- ALL CURB CUTS AND TRAFFIC SIGNALS SHOWN, EXISTING AND PROPOSED, MUST BE VERIFIED.
- THIS SITE PLAN IS BASED ON AN ALTA SURVEY PREPARED BY K&A ENGINEERING DATED 02/05/08 AND A CAD FILE OF THE GRADING AND UTILITY PLAN PREPARED BY MSL ENGINEERING DATED 02/18/08.

**INO, CA-COSTA MESA (NWC HARBOR & GISLER)-1m**  
 3211 HARBOR BOULEVARD

20080575.0

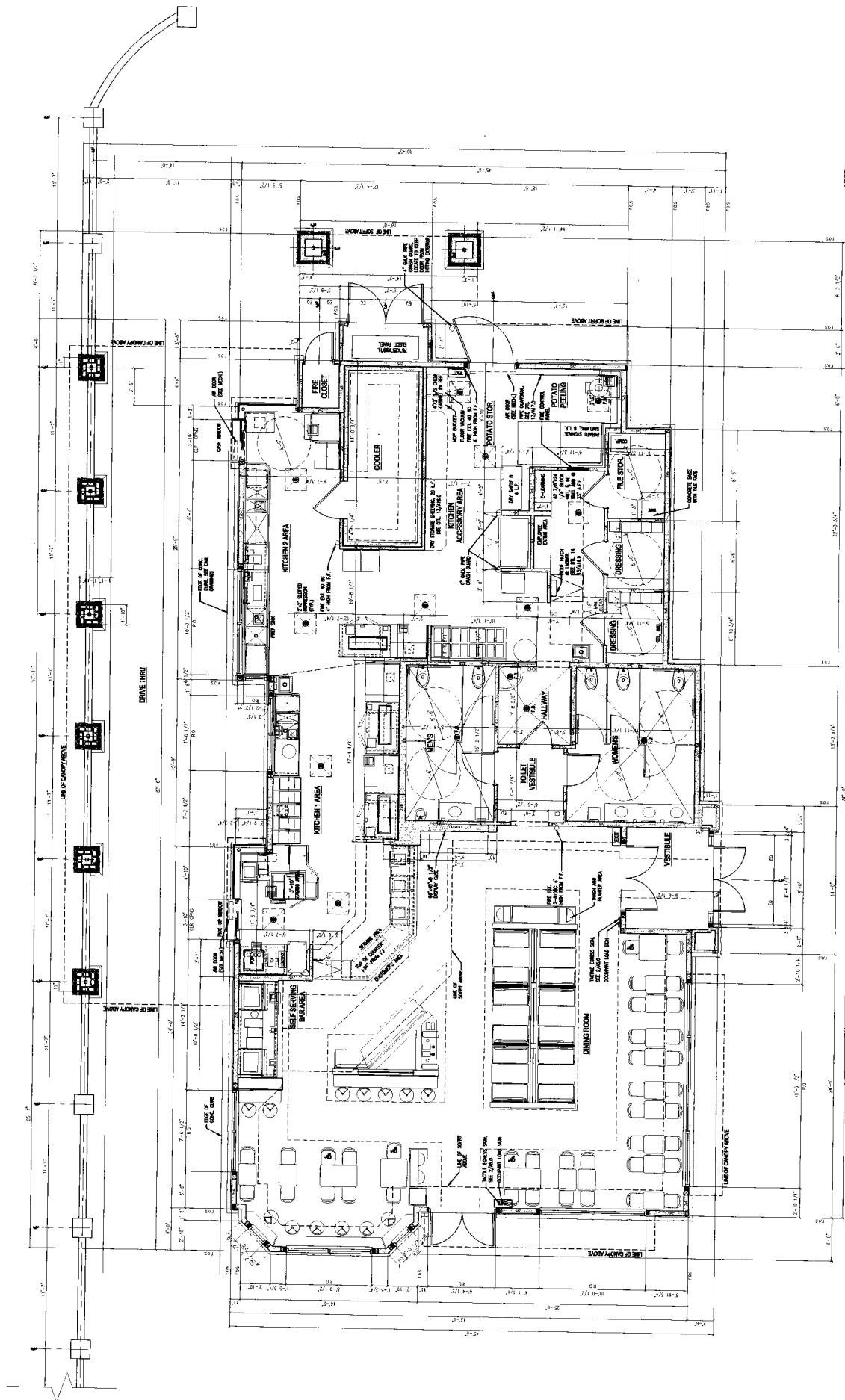
File 7A-00.m



**MINOR CONDITIONAL USE PERMIT**  
**ADMINISTRATIVE ADJUSTMENT NO. 2A-09-12**  
**Approval in Concept**  
 SUBJECT TO CONDITIONS  
 CITY OF COSTA MESA  
 PLANNING DEPT.  
 BY: LAB/UCU DATE: 4-9-09  
 APPROVAL: MIKE BAILEY  
 JOHN PUENTE  
 WALTER DESSLER  
 JEFF RUSSELL  
 DOUG COUPER



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 JOHN PUENTE  
 WALTER DESSLER  
 JEFF RUSSELL  
 DOUG COOPER

**IN-N-OUT BURGER** FLOOR PLAN  
 SCALE: 1/4" = 1'-0"  
 3211 HARBOR BLVD. (X GISLER AVE.)  
 COSTA MESA, CA  
 20080575.0  
**A1.0**

# FINISH SCHEDULE

## FINISH MATERIAL

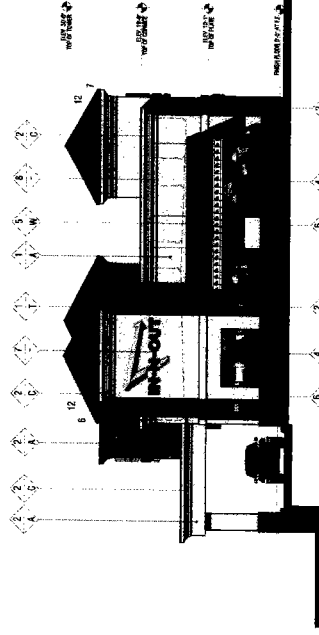
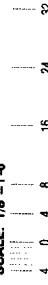
- 1 METAL ROOF
- 2 STUCCO WITH SAND FLOAT TEXTURE FINISH
- 3 CLEAR ANODIZED ALUMINUM STOREFRONT DOORS
- 4 CLEAR ANODIZED ALUMINUM WINDOWS
- 5 PVC COATED WICK AWINGS
- 6 STONE VENEER
- 7 ILLUMINATED LOGO SIGN UNDER SEPARATE PERMIT
- 8 L.E.D. DOUBLE BAND LIGHTING UNDER SEPARATE PERMIT

## FINISH COLOR

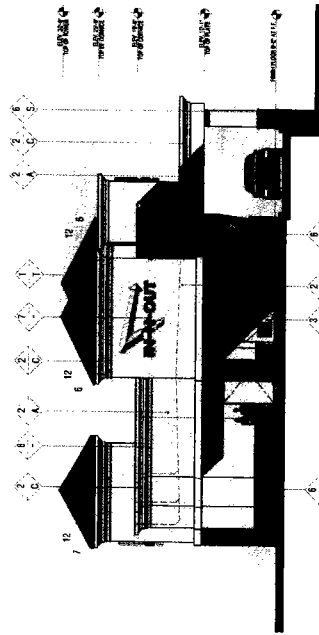
- A DUINN EDWARDS - DENK339 - BONE CHINA
- B DUINN EDWARDS - DENK339 - BONE CHINA
- C DUINN EDWARDS - DENK339 - BONE CHINA
- S CORONADO STONE - CARMEL MOUNTAIN EASTERN
- LEDGESTONE
- T EAGLE ROOFING PRODUCTS CARPSTRAND STYLE
- 3125 TERRACOTTA
- W IN-N-OUT CUSTOM COLORS

Note:  
Colors shown on these elevations are for illustration purposes only. For actual colors, refer to manufacturer's samples.

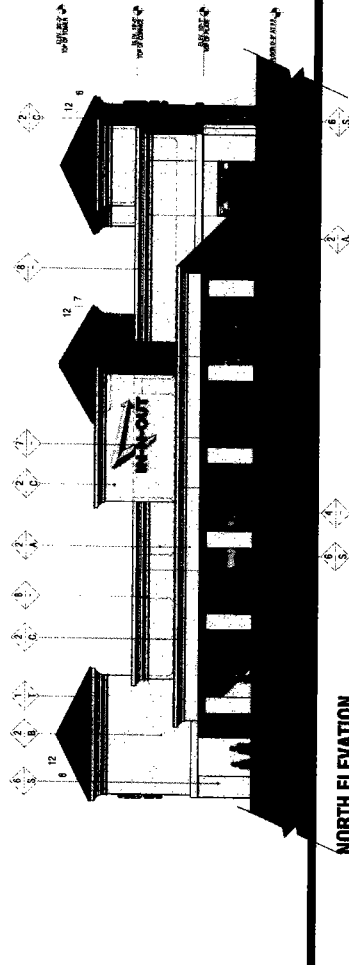
SCALE: 1/8"=1'-0"



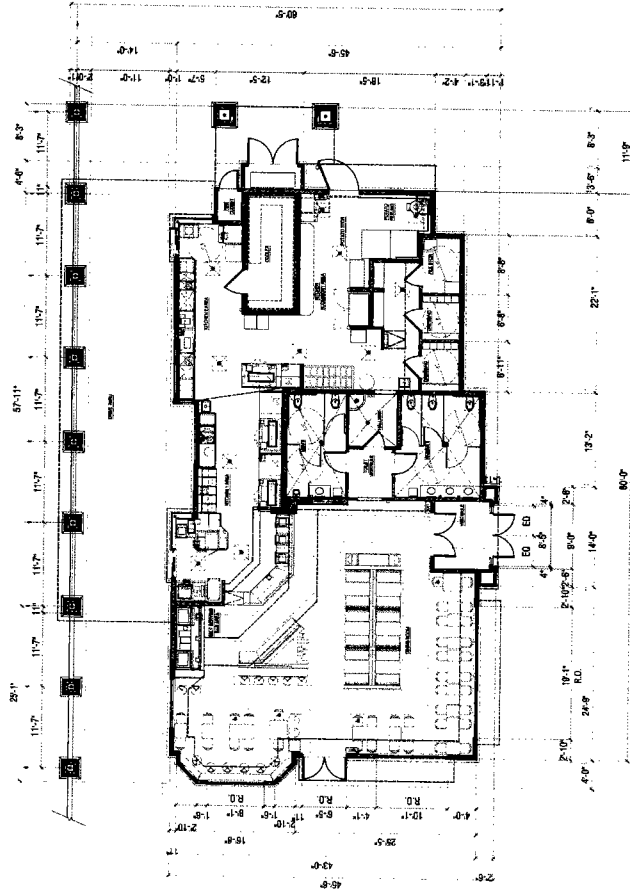
WEST ELEVATION  
SCALE: 1/8"=1'-0"



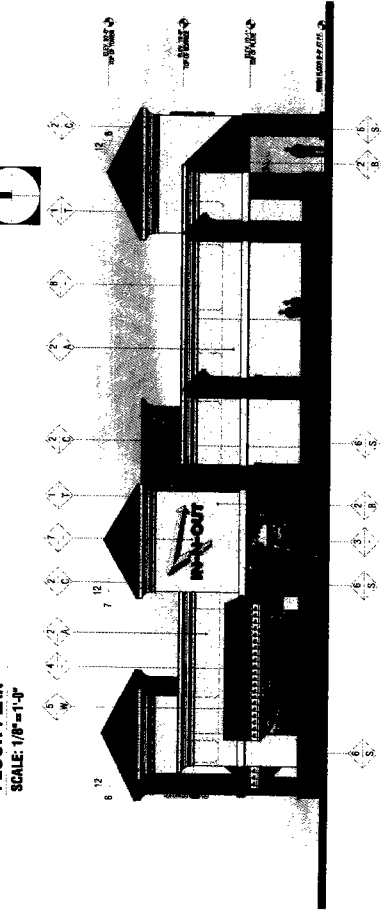
EAST ELEVATION  
SCALE: 1/8"=1'-0"



NORTH ELEVATION  
SCALE: 1/8"=1'-0"



FLOOR PLAN  
SCALE: 1/8"=1'-0"



SOUTH ELEVATION  
SCALE: 1/8"=1'-0"

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**IN-N-OUT**  
BURGER

APPROVAL: MIKE BAILEY  
JOHN PUENTE  
WALTER DESSLER  
JEFF RUSSELL  
DOUG COOPER

**IN-N-OUT BURGER**  
NWC GISLER AVE. & HARBOR BLVD.  
COSTA MESA, CA

**FLOOR PLAN & ELEVATIONS**  
SCALE: 1/8"=1'-0"

02/27/2009